

SN. 10/808,208

ATTORNEY DOCKET No. SANA:006

REMARKS

Claims 1-17 remain pending in this application for which applicants seek reconsideration.

Amendment

Claims 1, 2, 6, 7, 9, 10, 11, 14, and 17 have been amended. Allowable claims 2, 7, 10, 11, and 17 have been placed in independent form. Independent claims 1 and 14 have been amended to further define that the first additional fuel quantity setting value is applied when the oxidation catalyst outlet temperature is lower than a predetermined value, and the second additional fuel quantity setting value, which is lower than the first additional fuel quantity setting value, is applied when the oxidation catalyst outlet temperature is at or greater than the predetermined value. The claims also have been amended to reflect the changes made to the independent form or to improve their form. No new matter has been introduced.

Allowable Claims

Claims 2-5, 7, 10, 11, and 17 were indicated to be allowable if they are placed in independent form. As claims 2, 7, 10, 11, and 17 have been placed in independent form, the allowable claims are in condition for allowance.

Art Rejection

Claims 1, 6, 8, 9, and 12-15 were rejected under 35 U.S.C. § 102(e) as anticipated by Tonetti (USP 6,666,020). Claim 16 was rejected under 35 U.S.C. § 103(a) as unpatentable over Tonetti. Applicants submit that Tonetti would not have disclosed or taught applying the first and second additional fuel supply quantity setting values, as set forth in independent claims 1 and 14.

Independent claims 1 and 14 now define that the second additional fuel quantity setting value is smaller than the first additional fuel quantity setting value, and that the first additional fuel quantity setting value is applied when the oxidation catalyst outlet temperature is lower than a predetermined value, and the second additional fuel quantity setting value is applied when the

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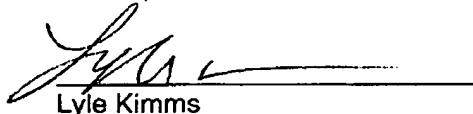
oxidation catalyst outlet temperature is at or greater than the predetermined value. In other words, less fuel is added when the oxidation catalyst outlet temperature is at or greater than a predetermined value.

Tonetti does the opposite of what is set forth in independent claims 1 and 14. Specifically, Tonetti discloses a direct injection controller that includes injecting fuel during POST ignition to generate 600°C at the particulate filter inlet. In this regard, Tonetti discloses proportionally varying the amount (0-100%) of fuel injected into the POST injection according to the temperature when the exhaust gas temperature at the outlet of the catalyst (or inlet of the filter) is 200 to 400°C, while maintaining the 100% fuel delivery when the exhaust gas temperature at the same location is over 400°C. See column 10, lines 40-46. In contrast, the claimed invention calls applying a greater fuel amount when the oxidation catalyst outlet temperature is lower than a predetermined value or applying a lesser fuel amount when the oxidation catalyst outlet temperature is at or greater than the predetermined value. Since Tonetti introduces less fuel when the temperature is below 400°C than at 400°C or greater, Tonetti teaches the opposite of what claims 1 and 14 call for. Accordingly, applicants submit that Tonetti would not have anticipated or taught claims 1 and 14.

Applicants submit that claims 1-17 patentably distinguish over the applied reference and are in condition for allowance. Should the examiner have any issues concerning this reply or any other outstanding issues remaining in this application, applicants urge the examiner to contact the undersigned to expedite prosecution.

Respectfully submitted,

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Reg. No. 34,079 (Rule 34)

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Date

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